



Appeal Decision

Site visit made on 5 December 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2022

Appeal Ref: APP/P1560/Y/21/3285747

West View, 37 South Street, Manningtree CO11 1BQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Ms Schurr and Heighton-Ginns against the decision of Tendring District Council.
 - The application Ref 21/00995/LBC, dated 2 June 2021, was refused by notice dated 3 August 2021.
 - The works proposed are garage extension and conversion, replacement flat roof and internal alterations.
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Decision

1. The appeal is allowed and listed building consent is granted for garage extension and conversion, replacement flat roof and internal alterations at West View, 37 South Street, Manningtree CO11 1BQ in accordance with the terms of the application Ref 21/00995/LBC, dated 2 June 2021, subject to the conditions listed at the end of this decision.

Preliminary Matters

2. The Council resolved to refuse both listed building consent and planning permission for proposed works and development. Whilst the appellant submitted planning and listed building appeals, the planning appeal was received after the relevant deadline. Thus, I shall consider the listed building consent appeal on its own.
3. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires, when considering whether to grant listed building consent, special regard to be had to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving the character or appearance of conservation areas. I shall have regard to these statutory duties.
4. The Council, in January 2022, adopted Section 2 of the Tendring District Local Plan 2013-2033 and Beyond (the Local Plan). Section 1 of the Local Plan had been previously adopted in January 2021. The main parties have had the opportunity to provide observations as regards any relevance of Section 2's adoption to the outcome of this appeal.

Main Issues

5. Whether the works would preserve the Grade II listed building known as '37, South Street' (the listed building) and any features of special architectural

or historic interest that it possesses; and the proposal's effect upon the character or appearance of the Manningtree and Mistley Conservation Area (the CA).

Reasons

6. The listed building comprises a red brick dwelling with hipped grey slate roof. According to the statutory list description¹, its origins date to the early nineteenth century. The significance and special interest of the listed building is drawn, in part, from its age, form and traditional materials. This significance and special interest is further underpinned by the homogeneity and architectural detailing of its principal elevation. Extensions of limited architectural or historic interest, including sizeable enlargements to the rear and a subordinate garage extension to the side (the garage), have not removed the ability for the listed building's significance and special interest to be readily interpreted and appreciated.
7. The CA is expansive and comprises much of the neighbouring settlements of Manningtree and Mistley in addition to intervening areas of parkland and woodland. The significance and special interest of the CA is drawn, in-part, from its range of historic buildings, the continuous frontages and narrow streets of Manningtree's historic core, a variety of expansive and well-vegetated open spaces and the associated prevalence of available views across the Stour estuary. The listed building, being of special historic interest and prominently sited to the heart of Manningtree, makes a positive contribution to the character and appearance of the CA taken as a whole.
8. The proposal involves a conversion of the garage in conjunction with external and internal alterations to provide additional habitable floor space. A small extension to the front of the garage beneath an existing pitched roof element comprises part of the proposal. The Council's concerns are centred upon the intention to remove existing front-facing garage doors and replace them with a stepped forward brick wall containing a white painted timber sash window (the window). It has been alleged that such works would disturb the symmetry of the front elevation and formalise an ancillary part of the building in a typologically incorrect manner. It has also been suggested that the proposal would overdevelop the site in the context of previous extensions constructed.
9. The front extension would be built with materials to match existing, including reclaimed bricks. The window would repeat the glazing bar pattern of other front-facing windows, be of modest size, and be accompanied by complementary cill and header details. The front extension would match the subservient single-storey height of the existing garage and its frontage would remain stepped behind the building line of the main front façade, albeit by a short distance.
10. In my view, whilst the design of the extension would imitate the style and character of the main building, its front elevation would not be read as an integral component part of the listed building's main front façade. This is due to its diminutive height/scale and stepped back positioning relative to the principal building line. Thus, whilst I acknowledge the garage's existing ancillary form and function, the proposal would not harmfully disturb the symmetry of the front façade nor introduce elements readily experienceable as

¹ List Entry Number: 1261192

disordered and/or out of place. Moreover, legibility as a subordinate side extension would be retained and the listed building would not be overpowered or unduly dominated. This is even when factoring in the presence and effect of other extensions to the building.

11. In the context of the CA's character and appearance, the works under consideration would be suitably respectful of the typical form, positioning and scale of other subordinate residential extensions close to the site. Further, matching materials and details are intended to the street-facing elevation. As such, the CA's character and appearance and heritage significance would be preserved.
12. For the above reasons, the proposal would preserve the Grade II listed building and any features of special architectural or historic interest that it possesses. The works would also preserve the character and appearance of the CA taken as a whole. Consequently, I do not find conflict with the clear expectations of Sections 16(2) and 72(1) of the Act. The scheme accords with the historic environment policies contained within the National Planning Policy Framework (July 2021) (the Framework), and with Policy SP7 of Section 1 of the Local Plan and Policies PPL8 and PPL9 of Section 2 of the Local Plan in so far as these policies require new development to protect the special architectural or historic interest, character, appearance and fabric of listed buildings, and to have regard to the desirability of preserving or enhancing the special character and appearance of conservation areas.

Conditions

13. The Council has suggested conditions that the appellants have had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. In the interests of certainty, a condition specifying the approved plans is required. In the interests of preserving the special interest of the listed building and the character and appearance of the CA, conditions are reasonable and necessary that secure precise specifications of external finish materials and of the window. There is no reason to consider that the Council's future approval of details would be unreasonably withheld, particularly as intended external finishes and the window's position and general specification are clearly depicted upon approved plan 1269-01-03a.

Conclusion

14. For the above reasons, the appeal is allowed and listed building consent is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The works hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (scale 1:1250); 1269-01-01; 1269-01-03a.
- 3) Prior to external works being undertaken, precise specifications (including the manufacturer, range and colour details) of the external finish materials, including brickwork, bond pattern and window fenestration details, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in full accordance with the approved details and shall be permanently maintained as such.
- 4) Prior to installation of the window hereby consented to the front elevation, a schedule of drawings that show details of the window in section and elevation at scales between 1:20 and 1:1 as appropriate, to include details of glazing type, framing, glazing bars, cill, header, and ironmongery, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in full accordance with the approved details and shall be permanently maintained as such.